

**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2879**

PATENT
ATTORNEY DOCKET: 46884-5500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroyuki KYUSHIMA, et al.) Confirmation No.: 2693
Application No.: 10/589,602) Group Art Unit: 2879
Filed: August 16, 2006) Examiner: Thomas A. Hollweg
For: PHOTOMULTIPLIER AND ITS)
MANUFACTURING METHOD)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116
TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated December 17, 2009.
2. Additional papers enclosed:

- Information Disclosure Statement
 PTO Form 1449-1 page
 Copy of one (1) non-U.S. patent document as listed on PTO Form 1449 attached
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	13	minus	22	0	x \$52 each =	+\$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$220 each =	+\$0.00
[] First presentation of Multiple dependent claim(s)					\$390.00	+\$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						-\$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- A fee in the amount of \$ _____ for a ___-month extension of time fee is to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.**
- The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


By:

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Dated: March 16, 2010

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